

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

TASER INTERNATIONAL, INC.,
et al.,

Plaintiffs,

v.

MORGAN STANLEY & CO., INC.,
et al.,

Defendants.

Civil Case No.

1:10-CV-03108-JEC

DECLARATION OF BRAD M. ELIAS

I, Brad M. Elias, declare as follows:

1. I am an associate at the law firm of O'Melveny & Myers LLP ("OMM") and am one of the attorneys representing Defendant Merrill Lynch Professional Corp. ("Merrill Pro") in this action. I make this declaration in support of Merrill Pro's Motion for Reconsideration. I have personal knowledge of the facts recited herein except as otherwise indicated, and if called to testify concerning them under oath, I could and would competently testify thereto.

2. Attached to this declaration as Exhibit 1 is a true and correct copy of Plaintiffs' Reserved First Document Requests to Defendant Merrill Lynch Professional Clearing Corp.

3. Attached to this declaration as Exhibit 2 is a true and correct copy of an e-mail sent from Steven Rosenwasser to Brad Elias on December 18, 2010.

4. Attached to this declaration as Exhibit 3 is a true and correct copy of the affidavit of Paul M. Eckles, partner at Skadden, Arps, Slate, Meagher & Flom LLP (“Skadden”) and former counsel to Merrill Lynch, executed and notarized July 1, 2010, and filed in the State Court of Fulton County, State of Georgia, July 2, 2010.

5. Attached to this declaration as Exhibit 4 is a true and correct copy of the FINRA BrokerCheck Broker Summary for Thomas A. Tranfaglia, Jr., retrieved from FINRA’s website on December 17, 2010.

6. Attached to this declaration as Exhibit 5 is a true and correct copy of the FINRA BrokerCheck Broker Summary for Joseph F. Mastrianni, retrieved from FINRA’s website on December 17, 2010.

7. Attached to this declaration as Exhibit 6 is a true and correct copy of the FINRA BrokerCheck Broker Summary for Peter L. Melz, retrieved from FINRA’s website on December 17, 2010.

8. Attached to this declaration as Exhibit 7 is a true and correct copy of an e-mail sent from Steven Rosenwasser to Paul Eckles on November 25, 2009, as maintained in Skadden’s records.

9. Attached to this declaration as Exhibit 8 is a true and correct copy of an e-mail sent from Steven Rosenwasser to Paul Eckles and Brendan Dowd on January 13, 2010, as maintained in OMM's records.

10. Attached to this declaration as Exhibit 9 is a true and correct copy of the Stipulation and Order entered into by Plaintiffs and Defendants Banc of America Securities LLC and Merrill Lynch Pierce, Fenner & Smith Incorporated and filed in the State Court of Fulton County, State of Georgia, on January 13, 2010.

11. Attached to this declaration as Exhibit 10 is a true and correct copy of Plaintiffs' Motion to Compel against Defendant Merrill Lynch filed in the State Court of Fulton County, State of Georgia, on September 21, 2010.

12. Attached to this declaration as Exhibit 11 is a true and correct copy of an excerpt of the transcript of Plaintiff Robert M. Baker's October 13, 2010 deposition.

13. Attached to this declaration as Exhibit 12 is a true and correct copy of an excerpt of the transcript of Plaintiff Robert M. Baker's October 13, 2010 deposition.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 22nd day of December, 2010, in New York, New York.

/s/ Brad M. Elias

Brad M. Elias

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Defendants.

CIVIL ACTION NUMBER:
1:10-CV-03108-JEC

CERTIFICATE OF SERVICE

I hereby certify that on December 22, 2010 I caused a copy of the foregoing

DECLARATION OF BRAD M. ELIAS to be served by hand on the following

attorneys of record:

John E. Floyd, Esq.
Steven J. Rosenwasser, Esq.
Nicole G. Iannarone, Esq.
Jill A. Pryor, Esq.
Robert L. Ashe, III, Esq.
Michael A. Caplan, Esq.
Elizabeth G. Eager, Esq.
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1201 West Peachtree Street, N.W.
Atlanta, Georgia 30309

and that I have caused a copy to be served by U.S. Mail on the following attorneys

of record:

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